Separate Revenue

File No 57 of 1899-1900

88 1 — 4

Indexed

M.K. Jareen

Commonwealth

Victoria

S. R 57 of 1899-1900.

Submitted,

These are two cases in which two shops had been opened without licenses. The ~~delinquen~~ delinquents were brought to book and punished in a criminal court. The Excise Inspector estimated that an additional ~~amt~~ amount of Rs 582/- should be recovered from the person concerned as rent of the un-authorised shops and wired to Government. The Excise Commr says that the shops were not additional ones but had been opened instead of two other licensed shops and that therefore no additional rent is leviable. The reference may therefore be simply filed.

Record it and add that the Excise Inspector committed a grave irregularity in sending a telegram to Govt instead of sending a report to this immediate superior.

9/2/1900

Note for office

It was a mistake to have called for the report instead of myself sending the telegram to the Excise Commr for disposal

9/2/00

Abstract of Cranfer to E Branch which may have references on the subject.

Gg. U. R. J.
13/9/99

S R File 57—99
Gl 1
1899

No. 605. / Ex 73

Name of Petitioner, Excise Inspector

Village } Gundlupet circle
Taluk }

District Coimbatore.

Date of Arzi 13-9-99.

Date of Receipt 13-9-99.

Date of Disposal

No. of Enclosure Nil.

Subd

No reference is received in this office on the subject matter of this telegram. If approved, this may be transferred to the Excise Commr for needful being done.

RG
16/9/99

To Excise
Comr for
favour of report
in 10 days
16/9/99

ABSTRACT

States that Govt sustained a loss of Rs 582 in the Gundlupet Lorry case. Prays that the matter may be fully enquired into.

GM
14/9/99

INDIAN TELEGRAPH DEPARTMENT. Monthly Local Fee.

To

Station

Words.	Day.	Hour.	Minute.

605

From

Date

OFFICIAL INSTRUCTION.

To (Person)

From (Person)

1

2

3

4

6

7

8

9

10

11

12

13

14

RECD. FROM	L. N.	SENT TO	L. N.
AT Hrs. Mts. By		AT Hrs. Mts. By	

Date

Postmaster.

RATES OF CHARGE FOR INLAND TELEGRAM

The address (including name of Sender, and name and residence of addressee) is transmitted free.

	First 8 words.	Each additional word.	
Deferred Message	... 8 Annas	... 1 Anna.	A group of 3, or less figures, is reckoned as one word.
Ordinary „	... 1 Rupee	... 2 Annas.	
Urgent „	... 2 Rupees	... 4 Annas.	

No charge for delivery within a distance of 5 Miles.

Draft as per order.

SECTION S. A

FILE No. 57—99

SERIAL No. 2

To

The Excise Commr in Mysore

~~No 1853/99 dated 13/9/99~~

Dated 23 September 1899

No 2513/En 76 dated 23rd/9/99 Ent 23.

Has the honor to forward for favor of an early report a copy of telegram dated 13th September 1899 from the Excise Inspector Gundlupet circle stating that Govt would sustain a loss of Rs 582 in the Gundlupet toddy case.

"B. O."

21/9/99

for Secretary

KL
20/9/99

Gl. No. 4866
Ex 185
JAN. 9.
1900

Excise]

SECTION S. A
FILE No. 57-99
SERIAL No. 3

From The Excise Commissioner in Mysore

To

THE SECRETARY TO GOVT. OF MYSORE,
General & Revenue Depts

Dated 30th
Despatched 31 } January 1900.
Received

General No. 4358
No. 189
Enclosure No. 1 file

In reply to Secretary's docket No. 2513 & 76 dated 23rd September 1899

SUBJECT.

Submits copies of the judgments of the 2nd Assistant Commissioner and 1st class Magistrate, Mysore District, showing the results of the trial of the toddy cases referred to by the Gundlepet circle Inspector Venkata Row; and states that no additional rent of Rs 582 is leviable as alleged by the Inspector.

References
(to be entered only in the Dewan's Office.)

R
Mys 2/1900 Excise

Excise Commissioner's Office

No. 4358 & Bangalore, dated 30th January 1900
1899 Exc 16

From.

The Excise Commissioner
in Mysore

To

The Secretary to the
Government of Mysore
Financial & Revenue department

Sir,

With reference to your docket
No. 2513 dated 23rd September 1899,
Ex 76
I have the honor to submit herewith,
copies of the Judgments of the 2nd
Assistant Commissioner and 1st class
Magistrate, Mysore District, showing
the results of the trial of the toddy
cases referred to by Gundlepet circle
Excise Inspector Venkata Row.

2. The Inspector alleges that because
the shops referred to in the judgments
were unlicensed shops, additional
rent, viz Rs 582 as estimated by
him, should be collected on account
of them from the accused persons.
The 2nd accused Siddalingappa was
the lessee of all the toddy shops in
the Gundlepet taluk for the year
1898-99. He had applied for the transfer
of certain shops to the unauthorized
places referred to in the judgments,
and before the transfer was sanctioned,

they

they had been opened in the un-
-authorized places without license
and for this offence the parties
concerned were criminally tried and
punished. The transfer applied for
was not granted by the Deputy
Commissioner On local enquiry
it has been ascertained by the
Divisional officer of the Department
that the two unlicensed shops were
not additional shops, but those
which had been opened in lieu
of the authorized shops at Huthur
and Hullepura which were not
worked during the year, and which
the lessee had petitioned the Deputy
Commissioner to transfer to the
unlicensed localities referred to in
the Judgments. Under such
circumstances no additional
rent is leviable for the two unlicensed
shops alluded to by Inspector Venkata
Row.

I have the honor to be,
Sir,
Your most obedient Servant
M. Furnace
Excise Commissioner
in Mysore

Enclo: to S 43

In the court of the 2nd. General Assistant Commissioner and 1st Class Magistrate. Mysore District

Present
P. Sreenivasa Rao
1st Class Magistrate

Dated 22nd July 1899

Criminal Case No. 1 of 1899-1900

Complainant

Government vs

Accused
1. Kumme Gowda
2. Siddalingappa
3. Chickmallappa
4. Ranjappa
5. Sidde Gowda

Judgment

The complaint against the 1st. accused is that he was selling toddy at a shop in Madigerahatti in Arkalgud village, without a license and thereby committed an offence punishable under section 39 of the Excise Act. The charge against the 2nd. 3rd. 4th. & 5th. accused is that they abetted the commission of the above offence by the 1st. accused and thereby committed an offence punishable under sections 39 and 49 of the Excise Act. The prosecution has been at the instance of the Excise Inspector

& Gundlupet Taluk- The case was originally
on the file & the Ar dar Magistrate & the
said Taluk but it s transferred to this Court
under orders & the Di ist Magistrate. The 5th
accused attended this urt as a prosecution
witness, but as it app red from the Amildar's
record & enquiry the he was the immediate
abettor, he was detai under section 357 &
the Crimal Pro. Code and ected as an offender
like the others. Venk a Rao, Toddy Inspector,
and Subba Rao, S kervisor, were examined
as witnesses for pr ecution. The following
exhibits were filed f the prosecution:—

A sajavali, t purporting to be —
granted by 4th a ued & 5th accused for
working Toddy s. is at Madigere in —
Ankanahalli an three other villages. . . .

. . . marked A.

Petition dated 2-7-98, written by the
2nd and 3rd ac ed — — — — — B.

Petition date 17-6-98, by the 2nd
accused . — — — — 6.

All the acc ed pleaded not guilty.
The 1st accused sta as follows:—
I was selling dy in a shop at Ankana-
-halli Madigere. I d not obtained license for
it

it. The 5th accused Siddeswara had obtained a Sapavali chit for that shop. I was selling for him. I did not know that I should not sell toddy on behalf of another person. I have no witnesses to examine on my behalf.

2nd accused:—

I had contracted some toddy shops in the Gundlepet Taluk last year. I did not let out the Ankanahally Madijere toddy shop to any one. I presented a petition to open a shop there according to the 4th accused's wishes. I told the 4th accused that no shop should be opened there until orders should arrive.

3rd accused:—

I had, as a partner with the 2nd accused, taken up the contract of some toddy shops in the Gundlepet Taluk last year. I do not know whether the toddy shop at Ankanahally Madijere had been let to the 5th accused. As the Halleppur shop did not sell properly I had petitioned that a shop should be opened at Ankanahally Madijere. No orders were received.

4th accused:—

I have given Sapavali chit to 5th accused to sell toddy at Ankanahally Madijere. I have no experience of these matters and so

So the chit was given
2nd accused Siddalin
that a petition had
that a shop should
Inadigere and that
in that behalf, the
Hullepur alone. I s
the 3rd accused. I
Examine in my
5th accused: —

The 4th ac
sub-let to me four
Bomalapura, Ankan
and Kundapore for
received a Saparali
The chit marked A,
the one which the 4
produced this before
received licenses for
one no license was
whether they have
license for Ankankally
my brother-in-law
in Ankankally Inad
as I was a little sur
that I should not hav

me. When I informed
ish of this, he told me
en presented requesting
e opened at Ankankally
til orders were receiv
op must be kept at
imated this fact to
ve no witnesses to
half

sed Ranjappa had
toddy shops viz: —
ally Holigere, Inadigere
op in all. I have
list written by him.
n shown to me, is
accused gave me. I
e Inspector. I have
ops. For the remaining
ived. I do not know
have not given me
adigere. I had asked
accused, to sell toddy
e shop in my stead
I was not aware
sold toddy through
him

him in that manner. I asked the 2nd accused for the shops and he got me by recommending me to the 4th accused. I have no witnesses to examine on my behalf.

The 2nd and 3rd accused are the joint contractors of certain toddy shops in Gundelpet Taluk. Some of these shops would appear to have been leased out by them to 4th accused. The latter rented out four shops to the 5th accused for a monthly sum of Rs 40 and one of these is a shop in Madiyarhetty of Ankanhally village as distinctly specified in Exhibit A, which is the Sayarali chit granted by 4th accused to 5th accused. Now this shop is not a licensed one. On the 30th April last the Excise Inspector found this shop being worked and the 1st accused seated there selling toddy. On being questioned as to his authority, the 1st accused stated he was only selling for 5th accused, who is his brother-in-law and who possesses a Sayarali chit from the contractor. The 5th accused admitted the fact and stated that the 1st accused was selling at his (5th accused's) request. 1st and 5th accused

accused subsequently ; duced the Exhibit A
before the Inspector.

It will be seen h — the 4th accused
admits having partici exhibit A to 5th accd.

Section 12 of the cise Act lays dow
that there shall be no le except under a
license granted under i provisions of the
Act. The 1st accused h ing, as he admits,
sold without a licen has contravened the
provisions of section 12 nd committed the
offence punishable un — section 39 of the
Act.

The 5th accused a nits that the sale
by 1st accused was at instance. The 5th
accused has thus abe s the offence and
rendered himself liable der sections 29
and 39 of the Act.

The 4th accuse is responsible for
the unlicensed shop in much as he gave
a Bagwali chit for same. He therefo
abetted the offence comm ted by the 5th accused
and abetment of an ac ment being an
offence, he is guilty equa with the 5th accd.

The only circum stance against the
2nd and 3rd accused, that they petitioned

to the authorities for the transfer of a shop, existing elsewhere, to Madigarhatty in Kukanhally village. This does not by itself show that they had any hand in granting the shop in question to the 5th accused. The 2nd and 3rd accused are accordingly acquitted under Section 245 of the Crim. Pro. Code.

Finding and Sentence

The Court finds the 1st accused Kunnegowda guilty of selling toddy without a license, an offence punishable under section 39 of the Excise Act, and the Court directs that the said Kannegowda shall pay a fine of Rs 2 and in default of payment be detained in custody till the rising of the Court.

The Court finds the 4th accused Ranganna and 5th accused Siddegowda guilty of abetting the sale of toddy without a license, an offence punishable under sections 49 and 39 of the Excise Act and the Court directs that the said

Ranganna

Ramjappa shall pay a fine of Rs 20
and Siddeyyada a fine of Rs 2 and in
default of payment that they be
detained in custody till the rising
of the Court.

(Signed) ? Srinivasa Rao
22nd May 1899. Magistrate

"Copy"

[illegible]
Asst Commissioner
in Mysore

In the court of the 2nd General Assistant Commissioner and 1st class Magistrate.
Mysore District

Dated 17th July 1899.
Present P. Sreenivasa Row
1st class Magistrate

Criminal case No 2 of 1899

Complainant
Government

Accused.
1 Leatchma
2 Siddalingappa
3. Chikkamallappa
4. Ranjappa.

Judgement

The complaint against the 1st accused is that he kept a toddy shop at Karakal Madihally in Gundlepet Taluk and sold toddy there, without a license and thereby committed an offence punishable under section 39 of the Excise Act. The charge against the 2nd, 3rd, and 4th accused is that they abetted the commission of the above offence by the 1st accused and thereby committed an offence, punishable under section 39 and 49 of the Excise Act. The prosecution has been at the instance of the Excise Inspector of Gundlepet Taluk. The case was originally on the file of the Amildar Magistrate of the said Taluk, but it was transferred to this court under orders of the District Magistrate.

The Excise Inspector Venkata Row and Supervisor Suba Row were the witnesses examined

for

for the prosecution. Ex exhibits filed were the following:—

Petition dated 7/6/98, purporting to be from the 2nd acc d, requesting that in lieu of Balachar shop, permission may be given to open Karakal madi- hally. ——— A.

Sagavally chit dated 7/7/98 purporting to be granted by 3rd a sed to 1st & 4th accused for working a toddy sho Karakal Madihally ——— B.

—— Do —— dated 198 purporting to be from 4th accused —— ——— C.

Order from Excise Depa dated 17/11/98. declining to transfer sho to Karakal madi hally. ——— D.

Petition dated 11/7/98 pr cting to be from 3rd accused to Excise Comm sking for transfer of shop to Karakal madi lly marked —— E

order from Superviser t e 2nd & 3rd accused communicating the b ct office order, declining to transfer the of to Karakal Ma. dihally —— F

All the accused pleade not guilty.

The 1st accused sta as follows:— It is true he kept the shop. Karakal Madihally The 3rd & 4th accused gave in chit to keep the shop. It had been sub to him for Rs 20 a month. He has continu to pay them money at the above rate. He is no ilty. He looked at Exhibit C. This he pre ed before the amildar. This was grante him by 4th accused

Ranjappa

He has no witnesses to examine in his behalf.

The 2nd accused stated as follows:— It is true he was the contractor for the entire taluk for 1898-99 & that having given away 26 shops to one Narasimhegowda, he retained 65 shops for himself. It is also true that — himself and 3rd accused worked in partnership with reference to the latter shops. 2nd accused sublet the shops in the southern part of the taluk to 4th accused for ~~Rs~~ 150 a month. 4th accused was collecting the money & handing it to 2nd accused. 2nd accused did not grant any chit to 1st accused for working the shop at Karakal madhally. He learnt that 3rd accused had granted the chit, whereupon, having sent for 1st accused he asked him not to keep a shop at that village and to deliver back the chit: 1st accused promised to return it but did not do so. 2nd accused looked at Exhibit A. This is his petition and he has signed it. He has no witnesses to examine in his behalf.

The 3rd accused stated as follows:— It is true he was a partner with 2nd accused with reference to business connected with certain toddy shops. It is true that 3rd accused granted 1st accused a Sagavali chit for working a shop at Karakal madhally. 2nd accused had sent 3rd accused to arrange for working the shops. Inexperienced as he was, he granted a chit for working a shop at Karakal madhally. On informing the 2nd accused about this, he told the 3rd accused that that was not right. Attempt was made to get back the chit from

1st

1st accused. In the mea
in the southern part of th
let to 4th accused. 3rd ac
Exhibit B. It was gra
accused and it bears hi
looked at Exhibit E. It is
He has no witnesses to exc
The 4th accused stated as f
He obtained the lease of s
& 3rd accused for Rs 150. A
the chit relating to the b
has been recovering the
Karakalmadi hally sho
& handing it over to 2nd
looked at C. This is wha
It bears his signature.
to examine in his behalf

The only exhibit filed f
one produced by 4th acc
as 2nd I. Mr. Ramanna
the 1st accused & Mr. Jo
defended the 2nd, 3rd &
& 3rd accused are the jo
toddy shops in Gundlepet
Out of these shops, some
been leased to 4th accu
a retail license to wors
According to the superv
at this place. On the 30
Inspector visited Karak
found a shop working
accused selling toddy
to his authority for sele
the 1st accused produ
receipts for payments
accused admits sellin

me, all the shops
Kalook were sub-
sed looked at
d by him to 1st
signature. He
own petition
ine in his behalf.
ows: ———
e shops from 2nd
would now produce
saction. 4th accused
ney due for ——
from 1st accused
rd accused. He —
he gave to 1st accused
has no witnesses

the defence is the
d which is marked
vocate defended
Row, pleader,
accused. The 2nd
l contractors of certain
ruk for 1898-99.
uld appear to have
d. 1st accused had
shop at Hoottoor.
, no shop was worked
April last, the ——
madihally and
ere and the 1st
being questioned as
toddy at this village
Ex. B. and some
de by him. The 1st
t Karakalmadihally.

Sagavali

Sapavali Chits granted by the Contractor can give no adequate authority in this matter. Section 12 of the Excise Act lays down that a license granted under the provisions of the act is indispensable, and sale in contravention of the provisions of section 12 is made punishable by section 39. The offence under this section is thus complete

The 3rd & 4th accused admit having granted Sapavali Chits for working the shop at Karakalmadi hally. But for these chits, the shop would not have been worked The 2nd and 3rd accused were partners in the business

According to his own admission 2nd accused knew that Sapavali Chit had been granted by 3rd accused to 1st accused, yet he did not recall it. Both the 2nd & 3rd accused applied separately for transfer of shop from Hootloor to Karakalmadi hally.

There is sufficient evidence on record to bring home to the 2nd, 3rd & 4th accused the charge of abetment.

Finding & Sentence.

The court find the 1st accused Leatchma guilty of selling toddy without a license. An offence punishable under section 39 of the Excise Act and the court directs that the said Leatchma shall pay a fine of Rs 10 and in default of payment, be detained in Custody till the rising of the court.

The court further find the 2nd, 3rd & 4th accused guilty of abetting the commission of an offence

offence under section , and thereby com-
mitting an offence pu shable under sections
49 & 39 of the Excise Ac and the court directs
that the said 2nd & 3rd accused Siddalingappa
& Chikmallappa shall p each a fine of Rs 50,
and the 4th accused R ingappa, a fine of Rs 30,
and in default of payn the party concerned
be detained in Custody the rising of the court.

(Sd): Sreenivasa Row

"Copy"

Asst Commissioner

for Excise

Mysore

Draft as per orders

GOVERNMENT OF MYSORE

SECTION S. R

FILE NO. S-70 of 99

SERIAL NO. 4

Read:-

Letter No. 4358/189 & 30th January 1900 from the Excise Commr in Mysore, submitting, with reference to this office No. 2573/876 & 23rd Septr 1899, copies of Judgments in the Uddy cases referred to by the Gundlupet Circle Inspector Venkata Rau, and stating that no additional rent of Rs 582/- is leviable as alleged by the Inspector

Order thereon No. 5857 dated 9/12/00
Ex. 186 14.

Recorded with the observation that the Excise Inspector committed a grave irregularity in sending a telegram to Govt. instead of making a report to his immediate official superior.

C
12/12/00
Secretary

To
The Excise Commr in Mysore